

CITY OF LEWISTON

CITY COUNCIL

APRIL 1, 2008

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00 P.M.

THE HONORABLE LAURENT F. GILBERT, SR., PRESIDING.

PRESENT: Mayor Gilbert, Councilors T. Peters, N. Peters, Poulin, Theriault, Bailey, Dube, Reed, City Administrator James Bennett, and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.

Moment of Silence.

PRESENTATION/DISPLAY OF THE NATIONAL ALL AMERICA CITY QUILT

The Mayor presented for display the national All America City quilt that is traveling around to all ten All America City communities. LYAC member Tim Stretton's mother created and designed Lewiston's quilt block. Mayor Gilbert noted that Lewiston's theme was "Community Engagement has an Address - Lewiston, ME."

PRESENTATION FROM THE VISIBLE COMMUNITY

Councilor Bailey announced that she will be sitting in the audience during this presentation as a show of support and unity for the Visible Community, of which she is a member. Jessie Kendell and Ari Rosenberg made a presentation on behalf of the committee. They presented the People's Downtown Master Plan, stating they want the voices of downtown residents to be heard, and distributed copies of the plan to each Councilor. They stated the group sees the downtown as vibrant and diverse and they want it to stay that way. They said they want more opportunities in the downtown, expanded public transit on nights and weekends, more housing, a free community center and increased job training. They thanked Councilors N. Peters, Theriault and Bailey for attending Saturday's Knox Street park event.

UPDATE FROM THE YOUTH ADVISORY COUNCIL

Luke Jenson said that Councilor Dube made a presentation to the group regarding the importance of recycling. Healthy Androscoggin donated \$350 toward the cost of producing a video of the Smashed film and Fox 23 is interested in showing the video. The State Legislature presented a legislative sentiment recently to honor LYAC's work for underage drinking awareness. LYAC raised \$525 from a silent auction of a signed Maineiacs jersey on Friday night. Councilor Theriault noted the group needs \$420 to complete their fundraising project for an electronic message board and the previous Council granted \$2,000 in city funds for the project.

VOTE (86-2008)

Motion by Councilor Theriault, seconded by Councilor Reed:

To allocate \$400 for the LYAC message board sign project. Passed - Vote 7-0

Councilor T. Peters had one correction to the March 4 minutes which will be incorporated into the minutes.

VOTE (87-2008)

Motion by Councilor T. Peters, seconded by Councilor Reed:

To dispense with the reading of the minutes of the meetings of March 4 and 13, 2008 and to accept and place them on file, as amended. Passed - Vote 7-0

APPOINTMENT OF COUNCIL REPRESENTATIVES TO THE SOLID WASTE COMMITTEE AND APPOINTMENT OF THE COMMITTEE CO-CHAIRPERSONS

VOTE (88-2008)

Motion by Councilor T. Peters, seconded by Councilor Bailey:

To nominate and appoint Councilor Dube and Councilor Reed to serve as the Council's representatives on the Solid Waste Committee and to appoint Councilors Dube and Reed as the Committee's co-chairpersons. Passed - Vote 7-0

APPROVAL FOR THE PLACEMENT OF BLUE RIBBONS AROUND CITY TREES ON MAIN STREET FOR AWARENESS OF CHILD ABUSE PREVENTION MONTH

VOTE (89-2008)

Motion by Councilor T. Peters, seconded by Councilor Bailey:

To authorize the Advocates for Children organization to place blue ribbons around city trees along Main Street from the Longley Bridge to Veteran's Memorial Bridge during the month of April and the first week of May to raise awareness for Child Abuse Prevention Month. Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE AMENDMENTS CONCERNING WIRELESS COMMUNICATION FACILITIES

911 Director Andy D'eraimo and 911 Technical Director Terry Delano made a brief presentation regarding the ordinance, noting there have been recent issues regarding interference with public safety communications equipment and this ordinance language should work to prevent that. Mr. D'eraimo noted this same ordinance has already passed in Auburn. Mayor Gilbert opened the public hearing for citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing. Councilor T. Peters asked about issues that are

not addressed in the ordinance, such as ham radio operators interference with telephones. City Planner David Hediger said that some of the issues are beyond the authority of the city and are regulated by the FCC. Councilor Theriault inquired about any design standards, such as screening of antennas and satellite dishes.

VOTE (90-2008)

Motion by Councilor T. Peters, seconded by Councilor Reed:

To request that staff research and review issues that were raised, such as interference from ham radio operators, and to report back at the next meeting, and to continue the public hearing to the next Council meeting. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE AMENDMENTS
REGARDING LARGE SCALE RETAIL DEVELOPMENTS**

Lincoln Jeffers, Economic Development Assistant to the City Administrator, made a presentation regarding this item, noting it is modeled after the State's Informed Growth Act. Councilor Theriault stated he is in support of this ordinance, saying it will create a good development-friendly atmosphere. The City Administrator noted if this ordinance is on the books, the city planning process is in control of large scale development decisions and this creates greater local control. Councilors discussed the proposed peer review process requirement.

Mayor Gilbert opened the public hearing for citizen input and comment. Dale McDonald expressed the need to support small business first. Monique Harris of Bartlett Street suggested keeping the requirement of an impact study as an independent study to ensure the best intent of Lewiston residents is served. Craig Saddlemire of Spruce Street suggested having the Planning Board hire a consultant to do the analysis. Bruce Damon of the Planning Board said the Board studied these issues quite a bit, noting the cost of consultant reports is limited to \$40,000 at the state level. The Board did not want to limit the cost of studies and only get a limited quality review. He noted the expense of traffic studies alone. Daphne Loring of Goddard Road stated she is a member of the Maine Fair Trade Campaign and said the economy needs to be responsive to people and the environment, stating the study does not determine the permit, it is only one piece of the process. She urged the requirement of an independent study and said the \$40,000 cap can be removed. She noted a conflict of interest if the consultant is hired by the developer. Mayor Gilbert then closed the hearing.

VOTE (91-2008)

Motion by Councilor T. Peters, seconded by Councilor Theriault:

That the proposed amendment to Appendix A, Article XIII "Development Review and Standards", Section 14, "Additional standards for large-scale retail development", of the City Zoning and Land Use Code, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regular City Council meeting.

Passed - Vote 4-3 (Councilors Dube, Reed and Bailey opposed; Councilor T. Peters abstained, Mayor Gilbert voted in the affirmative)

**PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE AMENDMENTS
CONCERNING THE PLACEMENT OF POLITICAL CAMPAIGN SIGNS**

Mayor Gilbert opened the public hearing for citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing.

VOTE (92-2008)

Motion by Councilor T. Peters, seconded by Councilor N. Peters:

That the proposed amendment to Appendix A, Article XII “Performance Standards”, Section 16, “Signs”, of the City Zoning and Land Use Code, concerning the placement of political signs, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regular City Council meeting for final passage. Passed - Vote 7-0

PUBLIC HEARING ON LIQUOR LICENSE FOR HEARTLAND RESTAURANT

Mayor Gilbert opened the public hearing for citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing. The owner was present to answer any questions.

VOTE (93-2008)

Motion by Councilor Reed, seconded by Councilor Dube:

To authorize the City Clerk’s Office to approve a new liquor license application for Heartland Restaurant, 20 East Avenue. Passed - Vote 7-0

SPECIAL AMUSEMENT PERMIT FOR WARDEN’S BAR & GRILL

Mayor Gilbert opened the public hearing for citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing. The owner was present to answer any questions.

VOTE (94-2008)

Motion by Councilor Reed, seconded by Councilor Theriault:

To grant a special amusement permit for live entertainment for Warden’s Bar & Grill, 703 Sabattus Street. Passed - Vote 7-0

PUBLIC HEARING FOR LITTLE JOE’S BAR & GRILL

Mayor Gilbert opened the public hearing for citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing. The owner was present to answer any questions.

VOTE (95-2008)

Motion by Councilor Theriault, seconded by Councilor Bailey:

To grant a special amusement permit for live entertainment to Little Joe's Bar & Grill, 740 Sabattus Street. Passed - Vote 7-0

APPOINTMENTS TO THE BOARD OF DIRECTORS OF THE LEWISTON URBAN CIVIC CENTER ENTERPRISES, LLC

Councilors Theriault and Reed and Mayor Gilbert recused themselves noting they are on the LUCCE Board.

VOTE (96-2008)

Motion by Councilor T. Peters, seconded by Councilor Bailey:

To appoint Mayor Gilbert, City Administrator James Bennett and Finance Director Richard Metivier to serve a two year term each on the Board of Directors of the Lewiston Urban Civic Center Enterprises, LLC, said terms to expire January 4, 2011.

Passed - Vote 4-0-3 (Councilors Dube, Reed and Theriault abstained)

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

Councilor T. Peters brought forth information regarding a recent vote of the Auburn City Council which proposes studying the feasibility of a regional assessing program.

VOTE (97-2008)

Motion by Councilor Reed, seconded by Councilor N. Peters:

Be It Resolved by the Lewiston City Council, that the Joint Services Commission is hereby authorized to research the possibility of combining the Assessing Departments of the Cities of Lewiston and Auburn as well as a potential regional Assessing Office, and to report back to the City Council the "challenges and benefits" of this regional office.

Passed - Vote 7-0

Councilor Reed asked the Police Chief to review the recent police calls to see if there have been increases in calls related to larceny or burglary, due to the economic downturn. Councilor Reed also noted the Council would like to add street lights for Jean Street into next year's budget.

Councilor Bailey inquired about the process for reporting potholes, noting numerous problems around the city.

VOTE (98-2008)

Motion by Councilor Theriault, second by Councilor Dube:

To adjourn at 10:07 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine